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Responsibility of States for internationally wrongful acts

Report of the Sixth Committee

Rapporteur: Mr. Adam **Mulawarman Tugio** (Indonesia)

I. Introduction

1. The item entitled "Responsibility of States for internationally wrongful acts" was included in the provisional agenda of the sixty-second session of the General Assembly pursuant to its resolution 59/35 of 2 December 2004.

2. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 12th, 13th, 27th and 28th meetings, on 23 October and 12 and 19 November 2007. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/62/SR.12, 13, 27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies (A/62/62 and Corr.1 and Add.1);

(b) Report of the Secretary-General containing comments and information received from Governments (A/62/63 and Add.1).

II. Consideration of draft resolution A/C.6/62/L.20

5. At the 27th meeting, on 12 November, the representative of Poland, on behalf of the Bureau, introduced a draft resolution entitled "Responsibility of States for internationally wrongful acts" (A/C.6/62/L.20).

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6. At its 28th meeting, on 19 November, the Committee adopted draft resolution A/C.6/62/L.20 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, and further recalling its resolution 59/35 of 2 December 2004 commending the articles to the attention of Governments,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

Noting with appreciation the compilation of decisions of international courts, tribunals and other bodies referring to the articles, prepared by the Secretary-General,[1]

1. *Commends once again* the articles on responsibility of States for internationally wrongful acts, to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles;

3. *Also requests* the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-fifth session;

4. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Responsibility of States for internationally wrongful acts" and to further examine, within the framework of a working group of the Sixth Committee, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

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[1] A/62/62 and Corr.1 and Add.1.